

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ELVANO GALLI)	
Plaintiff,)	
)	
v.)	C.A. No. 04CV11544JLT
)	
F/V BARBARA ANN (O.N. 699442))	
her engines, boilers, tackle,)	
fishing permits and appurtenances,)	
<i>in rem</i>)	
)	
and Louis Pasquale, <i>in personam</i> ,)	
Defendant.)	

Motion to Extend Time for Service

NOW COMES, the Plaintiff, Elvano Galley, by and through his attorney, David S. Smith, to respectfully request that this Honorable Court extend the time limit for service on the Defendant F/V BARBARA ANN (O.N. 699442) and the Defendant Louis Pasquale. In support of this request, the Plaintiff states as follows:

1. After filing of this Complaint, the F/V BARBAR ANN and Louis Pasquale left the Gloucester area. The vessel, with Mr. Pasquale as Captain, ran aground off of Chatham, Massachusetts in August of 2004.
2. After a series of attempts, the vessel was finally re-floated and bounced from harbor to harbor on Cape Cod.
3. Upon information and belief, the Defendant Louis Pasquale has been living aboard the F/V BARBARA ANN (O.N. 699442) and does not have a shore side address.
4. The Plaintiff has undertaken various steps to have the F/V BARBARA ANN arrested and towed to an appropriate facility. This has been problematic due to the extreme costs of towing the vessel to an appropriate port on Cape Cod and the need to find a different substitute

custodian. Towing the vessel across Massachusetts Bay to Gloucester was cost prohibitive and too risky to the vessel. The Defendant and vessel have returned to Gloucester Harbor and it is the Plaintiff's hope that the arrest and service can be effectuated in the next 30 days.

5. Service pursuant to Rule 4(m) is supposed to be completed by November 12, 2004. The Plaintiffs seeks an extension of time for the service of the Complaint through December 17, 2004 as allowed by Rule 4(m) of the Federal Rules of Civil Procedure.

WHEREFORE, the Plaintiff respectfully requests and extension to effectuate service through December 17, 2004.

Respectfully submitted,
ELVANO GALLI
By their attorney

/s/ David S. Smith

David S. Smith, Esquire, BBO No.: 634865
Cianciulli and Ouellette
163 Cabot Street
Beverly, MA 01915
Tel: (978) 922-9933

Dated: November 5, 2004